

REMARKS

Claims 1-17 and 19-40 were presented for examination and all claims were rejected. Claims 19-21 and 23-24 have been amended to address informalities. No new matter has been introduced. Thus, claims 1-17 and 19-40 are pending in this application. Applicants submit that pending claims 1-17 and 19-40 are in condition for allowance. All stated grounds for rejection have been addressed in the following comments. Applicants respectfully request reconsideration and allowance of claims 1-17 and 19-40 in view of the remarks set forth below.

I. CLAIM REJECTIONS UNDER 35 U.S.C. §101

Claims 17, 19-24 were rejected under 35 U.S.C. §101 because the Examiner suggests the claimed invention is directed to non-statutory subject matter. Applicants respectfully traverse this rejection. The Examiner further notes that the subject matter of the claims is directed to software only. Applicants respectfully disagree and present a portion of paragraph [0093] of the present application, which states that “the present invention could be embodied in software, firmware or hardware, and when embodied in software, could be downloaded to reside and be operated from different platforms used by real time network operating systems.” Furthermore, the Examiner must consider the breadth of 35 U.S.C. §101 to determine whether or not the claimed invention falls within an enumerated statutory category. Statutory subject matter, as contemplated by 35 U.S.C. §101, includes “any new and useful process, machine, manufacture, or composition of matter under the sun that is made by man.” MPEP § 2106(IV)(A); *Diamond v. Chakrabarty*, 447 U.S. at 308-309 (1980). Applicant’s claims 17, 19-24 are

directed to a system for adaptively filtering URL messages routed across a network. The Applicant's claimed system is therefore a machine per 35 U.S.C. §101 and hence under 35 U.S.C. §101 falls within an enumerated statutory category system.

Because the subject matter of claims 17, 19-24 is directed to statutory subject matter, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of claims 17, 19-24 under 35 U.S.C. §101.

II. CLAIM REJECTIONS UNDER 35 U.S.C. §103

Claims 1-17 and 19-40 are rejected as unpatentable over U.S. Patent No. 6,772,347 to Xie ("Xie") in view of U.S. Publication No. 2005/0086206 to Balasubramanian ("Balasubramanian") and further in view of U.S. Publication No. 2004/0250124 to Chesla ("Chesla") under 35 U.S.C. §103. Applicants respectfully traverse this rejection. Claims 1, 9, 17, 25 and 32 are independent. Claims 2-8 incorporate all of the claim elements of independent claim 1. Claims 10-16 incorporate all of the claim elements of independent claim 9. Claims 19-24 incorporate all of the claimed elements of independent claim 17. Claims 26-31 incorporate all of the claimed elements of independent claim 25. Claims 33-40 incorporate all of the claim elements of independent claim 32. Applicants submit that neither Xie, Balasubramanian, nor Chesla, alone or in combination, teach or suggest each and every element recited in the claimed invention.

A. Claims 1-17, 19-40 Patentable over Xie, Balasubramanian and Chesla

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. Independent claims 1 and 9 recite maintaining a frequency for a URL component, wherein the frequency is a function of a number of occurrences with which messages containing the URL component were rejected. Independent claims 17, 25 and 32 recite maintaining a frequency for a node associated with a URL component, wherein the frequency is a function of a number of occurrences with which messages containing the URL component associated with the node were rejected. Neither Xie, Balasubramanian, nor Chesla, alone or in combination, teach or suggest each and every element of the claimed invention.

Xie, Balasubramanian and Chesla fail to teach or suggest maintaining a function of a number of occurrences with which messages containing the URL component, or the URL component associated with the node, were rejected. In the Office Action, the Examiner admits that Xie does not teach this claim element, and cites Balasubramanian for this purpose. Balasubramanian, however, does not teach or suggest maintaining a function of a number of occurrences with which messages containing the URL component, or the URL component associated with the node, were rejected. Instead, Balasubramanian discusses evaluating a URL string using IP address rules for determining which internet protocol addresses are allowed or disallowed. Balasubramanian does not have any functions to determine or maintain the number of occurrences with which messages containing the URL component, or the URL component associated with the node, were allowed or disallowed. (See Balasubramanian, paragraphs [0056], [0065]-[0067]).

Chesla, on the other hand, is related to an algorithm for protecting a network by analyzing and filtering network traffic and determining parameters relating effectiveness of the algorithm's filtering performance. (See Chesla Abstract, paragraph [0016],[0017]). The Examiner does not cite Chesla for this claim limitation as Chesla does not teach or suggest maintaining any functions on number of occurrences with which messages containing the URL component, or the URL component associated with the node, were rejected. Thus, Xie, Balasubramanian or Chesla, alone or in combination, fail to teach or suggest maintaining a function of a number of occurrences with which messages containing the URL component, or the URL component associated with the node, were rejected.

Because Xie, Balasubramanian or Chesla, alone or in combination, fail to teach or suggest each and every element of the claimed invention, Applicants submit independent claims 1, 9, 17, 25 and 32 are patentable and in condition for allowance. Claims 2-8 incorporate all of the claim elements and all of the patentable subject matter of independent claim 1. Claims 10-16 incorporate all of the claim elements and all of the patentable subject matter of independent claim 9. Claims 19-24 incorporate all of the claim elements and all of the patentable subject matter of independent claim 17. Claims 26-31 incorporate all of the claim elements and all of the patentable subject matter of independent claim 25. Claims 33-40 incorporate all of the claim elements and all of the patentable subject matter of independent claim 32. Because Xie, Balasubramanian or Chesla, alone or in combination, fail to teach or suggest each and every element of independent claims 1, 9, 17, 25 and 32, Applicants submit claims 2-8, 10-16, 19-24, 26-31 and 33-40 are patentable and in condition for allowance. Applicants respectfully

request the Examiner to reconsider and withdraw the rejection of claims 1-17 and 19-40 under 35 U.S.C. §103.

CONCLUSION

In light of the aforementioned amendments and arguments, Applicant contends that each of the Examiners rejections has been adequately addressed and all of the pending claims are in condition for allowance. Accordingly, Applicant respectfully requests reconsideration, withdrawal of all grounds of rejection, and allowance of all of the pending claims.

Should the Examiner feel that a telephone conference with Applicants' attorney would expedite prosecution of this application, the Examiner is urged to contact the Applicants' attorney at the telephone number identified below.

Respectfully submitted,

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